

No. 9/1/87-6Lab./3590.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the Workman and the Management of M/s (i) Municipality, Jagadhri (ii) Deputy Commissioner, Ambala.

IN THE COURT OF SHRI V. P. CHAUDHARY,
PRESIDING OFFICER, LABOUR COURT,
AMBALA
Reference No. 241 of 1986
between

SHRI SURINDER SINGH S/O SHRI DHARAM
SINGH, H. NO. 833, WARD-2, PATRI MOHALLA.
JAGADHRI AND THE MANAGEMENT OF THE
MESSRS MUNICIPALITY, JAGADHRI (II)
DEPUTY COMMISSIONER, AMBALA.

Present:—

Shri Madhu Sudan Saran for workman.
Shri S. Bindra, for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—vide clause (C) of sub-section (i) of section 10 of Industrial Disputes Act, 1947 referred dispute between Shri Surinder Singh and Messrs Municipality, Jagadhri etc. to this Court. The terms of the reference are as under :—

“Whether termination of services of Shri Surinder Singh is just and correct, if not to what relief is he entitled?”

Workman alleged that he was appointed as an Octroi Moharar in the Municipality, Jagadhri,—vide order No. 915, dated 31st May, 1983 and he joined on 1st June, 1983. His services were illegally terminated with effect from 19th November, 1985. He prayed that his termination is illegal and against the provisions of section 25 (F) & (G) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent-management contested the dispute and contended that applicant was appointed purely on temporary basis. He was not a permanent workman of the respondent-management.

Services of workman were dispensed with as per terms and conditions of his service and there is no violation of provisions of section 25 (F) of Industrial Disputes Act, 1947. The term of appointment of the applicant was extended by Deputy Commissioner, Ambala from time to time and his services were terminated being no longer required and he was relieved.

Workman filed replication through which he contended that a criminal case was registered against him and other employees of the respondent that case is pending in the Court of Judicial Magistrate, 1st Class. Jagadhri on account of registration of that case he was suspended, no inquiry has yet been completed. Due to registration of that criminal case services of the workman have been terminated by the respondent management.

On the pleadings of the parties the following issues were framed :—

Issue No. 1 :

Whether termination of services of workman is unjust and illegal, if so, its effect ?

Issue No. 2 :

Relief.

I have heard authorised Representatives of the parties and have perused the oral and documentary evidence placed on the file. My issue-wise findings are as under :—

Issue No. 1 :

In support of this issue workman Surinder Singh examined himself that he had been in continuous service of respondent-management for the last three years. He was terminated without any notice and without making payment of retrenchment compensation. A criminal case was registered against him and his other colleagues. On the basis of the same he was suspended. That case is still pending in the court of Judicial Magistrate, Jagadhri. Without waiting result of that criminal case his services have been terminated illegally.

Respondent-management examined Shri V. P. Kalra as MW-1, who deposed that workman had been working on temporary basis. His services were dispensed with as per terms and conditions of his service. Service of workman was extended from time to time. His service has been terminated as no longer required. He tendered into evidence document Ex-M-1 to Ex-M-5.

In view of the above evidence it is clear that,— vide Ex-A-1 workman Shri Surinder Singh was employed by Deputy Commissioner, Ambala in the grade of 400/660 + usual allowances as admissible to other employees of the same category. He was kept on probation for one year. Thereafter,—vide Ex-M-1 it was ordered that appointment of Shri Surinder Singh will be purely on temporary basis. His services will be terminated at any time without giving any notice. Vide Ex-M-2 his service was extended on 31st December, 1984 thereafter it was extended up to 30th June, 1985,—vide Ex-M-3. Vide order Ex-M-4, Shri Surinder Singh was suspended and,—vide order Ex.-M-5 services of Shri Surinder Singh were dispensed with.

Shri Madhu Sudan Saran, Authorised Representative of the workman argued that Shri Surinder Singh was employed against a permanent post. His service could have not been terminated. He referred to 1961 Indian Factories and Labour Reports Vol-3 Supreme Court Jaswant Sugar Mills Ltd., Meerut Vs. Bedri Prashad, page 83, in which it was held that the definition of permanent workman did not require that such workman should be employed throughout the year. The work on which he is engaged should be of a permanent nature and should last throughout the year. The proper construction of the definition of permanent workman is that he must be a workman engaged on a work of permanent nature which lasts throughout the year and who has completed his probationary period, if any, not being one engaged to fill in a temporary need of extra hands on permanent jobs. He also cited 1974 F.L.R. (28) Supreme Court page 89 Hindustan Levers Ltd. and their workmen which was a case of confirmation of employees.

He also referred to 1968 S.L.R. Madhya Pradesh, page 243, in which it was observed during the pendency of departmental inquiry services of an employee cannot be terminated.

In view of the above evidence and case laws referred thereto I am of the considered opinion that Shri Surinder Singh, workman had rendered service three years in the respondent-management against a permanent post. A criminal case was registered against him and his 37 other colleagues which is pending in the court of Judicial Magistrate, Jagadhri. The Court has not given its final verdict on that case on the basis of same he was suspended. Respondent without

awaiting result of that case dispensed with services of Shri Surinder Singh which is illegal in view of 1968 S.L.R., page 243.

Moreover workman had rendered service more than 240 days in other words he had been in the service of respondent-management continuously for three years, so before terminating services of Shri Surinder Singh it was obligatory on the part of respondent-management to have issued one month notice or one month pay, in lieu of notice period and retrenchment compensation must have been paid to him. But respondent-management violated both these provisions

No doubt termination of workman is as per term and condition of his appointment but since the parties are governed under the Industrial Disputes Act, so the terms and conditions of appointment letter are superceded by the provisions of Industrial Disputes Act, so in these circumstances while termination services of workman compliance of provisions of section 25(F) was essential but it was not done, so termination order regarding the services of Shri Surinder Singh workman is unjust and illegal hence the termination order is set-aside. This issue is decided, in favour of, workman against the management.

Issue No. 2 :

On the basis of my findings on issue No. 1 I order the reinstatement of the workman with relief of continuity in service and with back wages. I would like to clarify here that on the day of termination i.e. 19th November, 1985 workman was under suspension; he shall be taken in employment, he shall continue as an suspended employee till the respondent desired in view of pendency of an criminal case against him during the suspension period he shall be given subsistence allowance as it was given to him on or before 19th November, 1985. I pass award regarding the dispute between Shri Surinder Singh and Municipality, Jagadhri accordingly.

On the basis of my findings on issue No. 1 I order the reinstatement of the workman with full back wages.

V. P. CHAUDHARY,
Dated the 1st April, 1987.

Presiding Officer,
Labour Court, Ambala.

Endorsement No. 784, dated 2nd April, 1987. Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

No. 9/1/87-6Lab./3591.—In pursuance of the provisions of section 17 of the Industrial Dispute Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the Workman and the Management of M/s. Guru Nanak Rolling Mills, Jagadhri.

IN THE COURT OF SHRI V. P. CHAUDHARY,
PRESIDING OFFICER, LABOUR COURT,
AMBALA.

Reference No. 82 of 1986.

SHRI SUKAR RAM, S/O SHRI RULIA RAM,
C/O DR. SURINDER KUMAR SHARMA,
INTUC OFFICE, JAGADHRI AND THE
MANAGEMENT OF THE MESSRS GURU
NANAK ROLLING MILL, JAGADHRI.

Present :

Shri Surinder Sharma, for the workman.

Shri S. Bindra, for the respondent.

AWARD

The Hon'ble Governor of Haryana in exercise of powers conferred,—vide clause (c) of sub-section (i) of section 10 of Industrial Dispute Act, 1947 referred dispute between Shri Sukar Ram and Messrs Guru Nanak Rolling Mill, Jagadhri to this court. The terms of the reference are as under :—

"Whether termination of services of Shri Sukar Ram is just and correct, if not, to what relief is he entitled?"

Workman alleged that he remained in the service of respondent-management continuously for one year. His services were terminated on 2nd November, 1985 in violation of provisions of section 25(F) of Industrial Disputes Act, 1947.

Workman prayed for his reinstatement with continuity in service and with full back wages.

Respondent-management contested the dispute and contended that applicant was engaged on 1st July, 1985 and he was relieved on 1st September, 1985 thus he only worked for 26 days. Respondent is engaged in Rolling sheets etc. on job work basis and as a casual nature of work. It was not possible for the respondent-management to engage the Engine Driver regularly as such applicant was relieved on 1st September, 1985. The claim of the workman is false and totally baseless.

On the pleadings of the parties the following issues were framed for the just decision of this dispute.

Issues :

- (1) Whether termination order regarding services of workman is unjust and illegal, if so its, effect?
- (2) Relief.

I have heard Authorised Representatives of the parties and have perused the oral and documentary evidence placed on the file. My issue-wise findings are as under :—

Issue No. 1 :

In support of this issue workman Sukar Ram examined himself as AW-1 and he stated that he remained in the employment of respondent-management for 1½ years. He was terminated on 2nd November, 1985 without issuing any notice and without making payment of wages, in lieu of, notice period, and no retrenchment compensation was paid to him. Since that day he is without job. In cross-examination he denied suggestion of the respondent-management that he joined employment of respondent-management on 1st July, 1985 and was relieved on 1st September, 1985.

Respondent-management examined MW-1 Shri Bharat-Bhushan who deposed that contribution of Shri Sukar Ram was received from Guru Nanak Rolling Mill only for 31 days. It has not been mentioned in the contribution form that to which months this contribution pertains.

Respondent-management also examined Shri Kailash Kumar MW-2 who deposed that workman came to the management in July, 1985 who

was appointed as a Engine Driver and was relieved in September, 1985. He further deposed that their Machine is being run with the Electric Power. During the days of employment of workman there was a power shortage, due to that fact the Machines were run with the help of Engine on that account Sukar Ram was employed.

In cross-examination he submitted that one Virinder Kumar marks presence of factory workmen. Only five workmen work at their Rolling Mill.

In view of the above evidence I am of the considered opinion that the case of the workman is that he remained in the employment of respondent-management for $1\frac{1}{4}$ years. While the case of the respondent is that workman remained in the job of respondent from 1st July to 1st September, 1985. Evidence of the respondent management is supported by Government Official MW-1 Shri Bharat Bhushan who has come from Employees State Insurance Department who deposed that subscription of Shri Sukar Ram was received only for 31 days in between the period from 1st April, 1985 to 30th September, 1985.

Attendance Register and Payment Register all support this fact that workman remained in the employment of respondent-management only from July, 1985 to September, 1985. In these circumstances it is evident that workman served the respondent-management less than 240 days, so at the time of relieving him or removing him from the job there was no necessity of issuing any notice or making payment of wages, in lieu of, notice period as well as there was no necessity of making payment of retrenchment compensation. So the dispensing with the services of the workman without notice and without payment of retrenchment compensation is just and correct. Workman is not entitled to the relief prayed for. So this issue is decided, in favour of management and against the workman.

Issue No. 2 :

For the foregoing reasons on the basis of my findings on issue No. 1 the termination order is just and correct, so I pass award regarding the dispute between the parties accordingly.

Dated, the 6th April, 1987.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Endorsement No. 810, dated the 10th April, 1987.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

No. 9/1/87-6Lab./3595.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the Workman and the Management of M/s. Oriental Science Apparatus Workshop, Ambala Cantt.

IN THE COURT OF SHRI V. P. CHAUDHARY,
PRESIDING OFFICER, LABOUR COURT,
AMBALA.

Reference No. 162 of 1985.

SHRI BHAGWATI PRASHAD ETC. C/O SHRI HEM RAJ, 119, SUBHASH NAGAR, AMBALA CANTT. AND THE MANAGEMENT OF THE MESSRS ORIENTAL SCIENCE APPARATUS, WORKSHOP, AMBALA CANTT.

Present :

Shri Balbir Singh Saini, for the workman.
Shri R. L. Gupta, for the respondent.

AWARD

The Hon'ble Governor of Haryana in exercise of powers conferred,—vide clause (C) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Sarvshri Bhagwati Prashad, Shiv Ram and Satish Kumar and Messrs O.S.A.W. Ambala Cantt. to this court. The terms of the reference are as under :—

"Whether termination of services of workman is just and correct, if not to what relief are they entitled ?"

Workman Bhagwati Prashad, Shiv Ram and Satish Kumar have alleged through their demand notices that they were employed in the employment of respondent management in the year 1979. They along with other workers formed their union under the name and style as the Ambala Scientific and Oriental Science Apparatus Workshops Workers Union and got it registered under the trade union Act. Thereafter, the union served a Charter of demands some of the demands were accepted by the management and the issues of bonus etc. were deferred. Thereafter, the management felt aggrieved and called workers threatened them, terrorised them and pushed out of factory. All the workman reported the matter to Shri Bansi Lal, President of their union and also reported this matter to the Labour Department. But inspite of, that they were not taken on duty. After sometime some of the workman taken on duty including Shiv Ram and Bhagwati Prashad while Satish Kumar was not taken on duty, so they prayed that they are entitled to wages with effect from 5th December, 1980 as well as reinstatement.

Respondent management contested the dispute and contended that the management never turned out of the factory in fact the workman left the factory premises of their own and they abandoned their jobs out of their free will. Management wrote many letters to the workmen to report for duty but they did not give any positive response to that. The Government time and again refused to make reference on the grounds that it was the workmen who abandoned employment themselves and therefore there was no question of reference. The rejection of reference was thus on the ground that there being no termination by the management. Management further contended that there was no incident on 27th November, 1980 as alleged; in fact on 5th December, 1980 twenty-seven workmen after having resumed duty abruptly left the factory at about 10.30 A.M. under a concerted action without permission by pushing aside the gate and the factory. It was also contend that the management even now prepared to take Shri Satish Kumar in its job while Shiv Ram and Bhagwati Prashad have joined their service.

On the pleadings of the parties the following issues were framed :

Issues :

"Whether termination of services of workmen as per reference is unjust and illegal, if so its effect ? OPW.

(2) Relief.

At the request of Authorised Representatives of the parties on 4th March, 1986 references Titled Shiv Ram, Bhagwati Prashad and Satish Kumar and Messrs O.S.A.W. Ambala Cantt were consolidated because the similar controversy involved in these cases and similar evidence was to be led.

I have heard Shri Balbir Singh Saini for workman and Shri R. L. Gupta for respondent management and have perused the oral and documentary evidence placed on the file. My issuewise findings are as under :

Issue No. 1 :

In support of this issue Sarvshri Shiv Ram, Bhagwati Prashad and Satish Kumar appeared made depositions on oath that on 27th November, 1980 they were beaten, terrorised by the management and on 5th December, 1980 they were pushed out of factory premises. They reported the matter to their President,—vide complaint is Ex-A-1. Another complaint is Ex-A-2 which was submitted to Shri Mehar Singh Rathi and the third complaint is Ex-A-3 which was made to the management itself. An other complaint is Ex-A-15 which is addressed to General Secretary one more complaint is Ex-A-18 addressed to Labour Officer, Ambala Cantt. Ex-A-19 is another complaint which is also addressed to Labour Officer, Ambala Cantt.

On the other hand Shri Sunmukh Singh, Personnel Officer appeared for the respondent-management refuted the allegations of workman and stated that the workmen were misguided by their leaders, they left the job of their own. He tendered into evidence Ex-M-1 which is an application of Shri Bhagwati Prashad who stated that his back wages be given to him and he wants job as a fresh. Payments were made to Shri Shiv Ram,—vide voucher Ex-M-2 to M-3, Ex-M-2 is a Memo submitted to Shri M. K. Jain in which it has been agreed by Shri Shiv Ram, Ram Chander, Maharaj Din, Fakir Chand and Avtar Singh etc. that they had been mis-guided due to that fact they have apologized to the management about their misconduct and they have resumed their duties Ex.-M-4, Ex.-M-5 and M-6 are reports by the concerned in-charge of the respondent to their personnel Manager that the workman had abandoned the job and had left the factory.

Shri Sunmukh Singh also made statement that Shiv Ram and Bhagwati Prashad have joined their duties and they have received their previous dues. This fact has been admitted by Shiv Ram and Bhagwati Parshad when they appeared in the witness box as their own witnesses.

Shri Satish Kumar refuted the fact that he received an offer from the side of respondent management that he should join service however he admitted that he is running his own business at Shahabad.

After minute perusal of the whole evidence I reach at the conclusion that due to demand notice which was served by the workman upon the management there was a resentment among the workman because some of the demands were accepted and some of the demands regarding bonus etc. were deferred. To pressurise the management that it should accept the remaining demands of the workmen, the present workmen along with their associates left the factory premises and abstained from their duties. This fact is proved from the note of Shri M. K. Jain the then Joint Labour Commissioner who came at Ambala at the instance of Labour Minister to study the situation at the spot and to get the matter patched up. Mr. Jain has clearly mentioned in his Memo that Shri Shiv Ram etc. workmen have registered about their mis-conduct towards the management and they abstained themselves away from the factory premises out of their free will. More over evidence of the management also corroborated this fact.

Shri Shiv Ram and Bhagwati Prashad have received their back wages dues etc. and thereafter they again have joined services of respondent management as new hands.

Shri Satish Kumar has been running his own business at Shahabad. He is not willing to join service of respondent management. Although Shri Sunmukh Singh, Personnel Officer of the respondent management stated on oath that management is willing to take Satish Kumar in its employment if he so desires. But Satish Kumar did not express his willingness to join employment of respondent management.

In view of the above circumstances evidence and on the basis of my discussions I reach at the conclusion that in fact the workmen abandoned their job of their own. They were not terminated. Shri Shiv Ram and Bhagwati Prashad

have received their all the back dues and have re-joined employment of respondent management however Satish Kumar is at an liberty to collect his dues since he is not willing to join service of respondent management, so it is evident that he has abandoned his job, so not entitled to any other relief, so this issue is decided accordingly.

Issue No. 2 :

For the foregoing reasons on the basis of my issue wise findings I hold that all the three workmen left the job of respondent management of their own and there was no question of termination of their services by the respondent management, so I pass award regarding the dispute between the parties accordingly.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Dated the 2nd April, 1987.

Endorsement No. 808, dated the 10th April, 1987.

Forwarded (Four Copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

No. 9/1/87-6Lab./3596.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the Workman and the Management of M/s. Managing Director, Haryana Ware Housing Corporation, S.C.O. No. 8, Sector 17-E, Chandigarh.
IN THE COURT OF SHRI V. P. CHAUDHARY,
PRESIDING OFFICER, LABOUR COURT,
AMBALA.

Reference No. 69 of 1986.
SHRIMATI KANTA RANI GROVER W/O SHRI NARESH GROVER, H. NO. 109, KHARDIAN, KAITHAL, DISTRICT KURUKSHETRA AND THE MANAGEMENT OF THE MESSRS MANAGING DIRECTOR, HARYANA WAREHOUSING CORPORATION, S.C.O. NO. 8, SECTOR 17-E, CHANDIGARH.

Present :

Ch. Karan Singh, for workwoman.
Shri N. K. Bhardwaj, for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of its powers conferred,—vide clause (c) of sub-section (i) of section 10 of Industrial Disputes Act, 1947 referred dispute between Shrimati Kanta Rani Grover and Messrs. Haryana Ware Housing Corporation, Chandigarh to this Court. The terms of the reference are as under :

"Whether termination of services of Shrimati Kanta Rani Grover is just and correct, if not to what relief is she entitled ?"

Smt. Kanta Rani Grover alleged that she joined service of respondent management on 1st October, 1984 and her services were terminated on 5th January, 1986 in violation of provisions of section 25(F) of Industrial Disputes Act, 1947. She prayed for her reinstatement with continuity in service and with full back wages.

Respondent-management contested the dispute and contended that Smt. Kanta Rani Grover was employed only for fixed period on adhoc basis as detailed in para six of the written statement. On 4th January, 1986 the service period of Smt. Kanta Rani Grover, expired, so her services came to an end automatically.

Workwoman filed replication through which she controverted the contentions of the respondent-management.

On the pleadings of the parties the following issues were framed :

Issues :

1. Whether the termination order regarding services of workman is illegal and in correct, if so its effect ?
2. Relief.

I have heard Authorised Representatives of the parties and have perused the oral and documentary evidence placed on the file. My issue-wise findings are as under :

Issue No. 1 :

In support of this issue Smt. Kanta Rani Grover examined herself as AW-1 she deposed that she joined service of respondent management as per terms and conditions mentioned in the appointment letter. Copy of the same is Ex-W-1 thereafter her terms of service had been extended from time to time and ultimately she was

declined extension of service on 6th January, 1986. Management used to tell her that giving break in her service is merely on formality, she further stated that she rendered service more than 240 days. At the time of dispensing with her services no notice, no pay, in lieu of notice period no retrenchment compensation was paid to her. She admitted in her cross-examination that she joined on 1st October, 1984 on *adhoc* basis.

Respondent-management examined Shri R. L. Chopra, Assistant of Haryana Ware Housing Corporation, Chandigarh as MW-1 who deposed that Smt. Kanta Rani Grover was employed on *adhoc* for a fixed period. Her term of service used to be extended from time to time and finally on 6th January, 1986 when her term of service expired she was not allowed further extension for service because regular candidates have come and they joined in place of present workwoman. He also stated that name of twenty seven candidates were sponsored by the Employment Exchange, Smt. Kanta Rani was not sent for interview. In reply to a court question this witness deposed that workman was employed directly by the Managing Director. He cannot tell that why at the initial stage candidates were not requisitioned from the Employment Exchange.

In view of the above evidence of the parties it is clear that Smt. Kanta Rani rendered service more than 240 days although with brakes but in view of the judicial pronouncement Mohal Lal and B.E.L reported in 1981 Supreme Court page and B.E.LI reported in 1981 Supreme Court page 70 and Santosh Gupta Vs. State Bank of India reported in 1980 Supreme Court page 72 it is evident that workman who had put more than 240 days service (although with breaks) that service being termed as continues service for the purpose of section 25(F) of Industrial Disputes Act, 1947.

The main stand of the respondent-management is that workwoman employed only on *adhoc* basis for a fixed period as soon as that fixed period expired her services automatically came to an end but when her first period of employment expired and after serving an break when she was given further employment time and again it shows the continuity of the service of workwoman by the management. There is no explanation from the side of the management while Smt. Kanta Rani originally employed direct not through Employment Exchange by M. D. respondent violating the Departmental rules prescribed for recruitment.

Smt. Kanta Rani Grover was registered in Employment Exchange, Panipat. No requisition was sent calling for candidates from Employment Exchange, Panipat. Due to that fact that her name could not be sponsored and she could not appear in interview at the time of selection of regular candidates. Newly inserted amendment by the Legislature in section 2(oo) (bb) however may not stand the test of time and might meet its water Loo in near future. Because this amendment can easily be exploited by un-scrupulous employers giving rise to unfair labour practices. This amendment is in fact is violative of principle of natural justice in view of reasoning given in judicial pronouncement of the Hon'ble Supreme Court in the cases of workman of *Hindustan Steel Ltd. and another v. Hindustan Steel Ltd. and others* 1985, Vol-1 LLJ Supreme Court 267 and AIR Supreme Court 25 Shiv Shanker and others Union of India and others 1985 LLJ Supreme Court 437 and *West Bengal State Electricity Board v. Desh Bandhu Ghosh and others* 1985 LAB IC 885 and AIR 1984 Supreme Court, page 722 in Hindustan Steel case it was observed that:—

"Let it not be forgotten what laid down by a catena of decisions that where an order casts a stigma or affects livelihood, before making the order, principles of natural justice, namely a reasonable opportunity to present one's case and controvert the adverse evidence must have full play".

In *Dayal Saran v. Union of India* Hon'ble Supreme Court pointed out that an order of forfeiture of past service cannot be made without observing the principle of natural justice.

"The regulation is totally arbitrary and confers on the Board a power which is capable of vicious discrimination. It is a naked hire and fire rule the time for banishing which altogether from employer-employee relationship is fast approaching".

In view of the above evidence case, Laws referred there to I am of the considered opinion that Smt. Kanta Rani Grover served respondent management more than 240 days. Her services were terminated without any notice without making payment of wages in lieu of, notice period, no retrenchment compensation was paid to her, so her termination is violative to provisions of section 25(F) of Industrial Disputes Act 1947.

Moreover the newly inserted amendment in section 2(oo) (bb) is violative to natural principle of justice as it has been observed categorically by the Hon'ble Supreme Court in the Judicial pronouncement referred above. So this amendment does not stand in the way of the present workman.

Moreover workwoman was appointed directly at the initial stage management committed irregularities in appointing her. Her name should have been got sponsored from the Employment Exchange either at her initial appointment or at the time of selection of another regular candidates but it was not done. Moreover while dispensing with her services provisions of section 25(F) of the Industrial Dispute were not complied with in these circumstances I have to hold that her termination is unjust and illegal. She is entitled to reinstatement with continuity in service and with full back wages. This issue is decided accordingly in favour of, workwoman against the management.

ISSUE NO. 2:

For the foregoing reasons on the basis of my findings on Issue No. 1, I order the reinstatement of Shrimati Kanta Rani Grover with the relief of continuity in service and with full back wages, and I pass award regarding the dispute between the parties accordingly.

The 8th April, 1987.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala

Endorsement No. 813, dated 10th April, 1987.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala
The 5th April, 1987.